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DEPT FOR AF/S - E. PELLETREAU
USAID FOR MARJORIE COPSEN

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SUBJECT: MALAWI: MISSION REQUEST FOR ELECTION SUPPORT

¶1. (U) This is an action request. Please see paragraphs 5 and 6.

¶2. (SBU) Summary: The Malawi Electoral Commission is making progress in preparation for the May 19, 2009 presidential and parliamentary elections by engaging stakeholders, refining plans, and defending a \$37.3 million USD budget request to both the government of Malawi and foreign aid donors.

Malawi's 2009 elections are likely to be the most contentious since 1994, pitting three "big men" with grudges against each other. We expect Malawi will extend an invitation for international observers before voter registration begins on June 2. While the U.S. Mission has already contributed \$475,000 to the MEC's budget for voter and civic education, we believe there is still more that needs to be done to instill credibility and decrease the potential for fraud. We would welcome additional funding to support the electoral process itself and more specifically we would appreciate consideration of all available options to field a team of qualified U.S. observers for Malawi. With a year's notice before the elections in 2009, we hope it will be possible to do so.

¶3. (SBU) As reported in septel, preparations for the May 19, 2009 presidential and parliamentary elections are progressing and the Malawi Electoral Commission (MEC) has taken a number of positive steps including reaching out to media, foreign aid donors, political parties and the government. The MEC has engaged stakeholders and addressed concerns in a constructive manner while also defending its \$37.3 million USD budget request and the need for a new voter registration system and new voters' rolls to ensure free and fair elections.

¶4. (SBU) Malawi's 2009 elections could be the most contentious since the advent of multi-party democracy. Some opposition supporters have sought to paint a picture of a potential "Kenya scenario" in Malawi, pointing to a similar degree of betrayal and personal animosities between principal actors President Bingu wa Mutharika, former president Bakili Muluzi and MCP leader John Tembo. Muluzi's actions indicate his main goal is to deny Mutharika a second term at almost any cost. Many still believe Malawi Congress Party (MCP) leader John Tembo was the rightful winner of the 2004 elections and that he might not back down in 2009, likely his last attempt at the presidency, if election irregularities arise again. Consequently, this election will be personality-driven, "big man" politics of the highest order. While Malawi lacks the strong tribal divisions of other nations, regionalism is still strong and religious divides between Muslims and Christians could be used to foment divisions. Most importantly, after 4 years of political gridlock and constitutionally-questionable legal maneuvers, the 2009 elections will be critical in re-establishing the

legitimacy of the government -- and democracy in general -- for this generation of Malawians. Anything less than a free and fair election could further alienate an electorate that is becoming increasingly cynical about democratic politics. There is a significant risk that Malawi, which took giant steps away toward democratic freedoms in the 1990's, could tip backwards into autocracy and unconstitutional rule.

¶15. (SBU) The U.S. Mission believes a strong and credible international observer team will be necessary to prevent this backsliding. An observer team should ideally begin its work in mid-2008 to monitor voter registration, civic education exercises, campaigning, polling, and electoral result dissemination, as each stage will be vulnerable to fraud and abuse. Justice Msosa has met with the Ambassador and promised to draft a policy on international observers and extend an invitation before the registration period begins in June 2008. It appears likely that the European Union will put together an observation mission once an official invitation arrives from the MEC, but we are concerned that recent EU observation missions in other African elections have not always provided the kind of steady leadership and professional rigor that U.S.-sponsored missions do.

¶16. (SBU) The U.S. Mission has already committed \$475,000 USD to the MEC's budget for civic and voter education in 2008 and plans to contribute the same amount in 2009, but we believe there is still more that needs to be done. We would welcome additional funds to support the electoral process itself, as well as an U.S. observer team, whether publicly or privately funded. When the invitation for international observers is extended, we would like to be able to respond with an offer to send an observer team to Malawi to fill this pressing need. To be able to do that, we request that the Department consider all available options to field a team of qualified

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observers to increase the credibility of Malawi's 2009 elections and reduce the risks of fraud and violence.

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